

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

DOUGLAS MURPHY,

Plaintiff,

v.

CHARLES B. SMITH, *et al.*,

Defendants.

Case No. 1:24-cv-00417-EPG (PC)

ORDER TRANSFERRING THE CASE
TO THE SACRAMENTO DIVISION
OF THE EASTERN DISTRICT OF
CALIFORNIA FEDERAL COURT

Plaintiff Douglas Murphy appears to be a pretrial detainee¹ proceeding *pro se* in this civil rights action filed on April 8, 2024 pursuant to 42 U.S.C. § 1983. Along with his complaint (ECF No. 1), Plaintiff also filed a request—but not the application—to proceed *in forma pauperis* pursuant to 28 U.S.C. § 1915 (ECF No. 2) and a motion to appoint counsel (ECF No. 3).

In his complaint, Plaintiff alleges violations of his civil rights by defendants during his state criminal proceedings, which appear to be ongoing. (*See generally* ECF No. 1; *see also* ECF No. 3 at 6). The alleged violations took place in Calaveras County, which is part of the Sacramento Division of the United States District Court for the Eastern District of California. Therefore, the complaint should have been filed in the Sacramento Division.

¹ Plaintiff states he is being held in Calaveras County Jail (ECF No. 1 at 2) and references ongoing state criminal proceedings (ECF No. 3 at 6, discussing “a scheduled court appearance in the underlying criminal matter” on April 12, 2024). However, Plaintiff also mentions extradition from Connecticut (ECF No. 1 at 2), and it is not clear whether he was merely detained in Connecticut or was already serving a prison sentence.

Pursuant to Local Rule 120(f), a civil action which has not been commenced in the proper division of a court may, on the court's own motion, be transferred to the proper division of the court. Therefore, this action will be transferred to the Sacramento Division. This Court will not rule on Plaintiff's request to proceed *in forma pauperis* (ECF No. 2) or the motion to appoint counsel (ECF No. 3).

Accordingly, **IT IS ORDERED** that:

1. This action is transferred to the United States District Court for the Eastern District of California sitting in Sacramento; and
2. All future filings shall refer to the new Sacramento case number assigned and shall be filed at:

**United States District Court
Eastern District of California
501 "I" Street, Suite 4-200
Sacramento, CA 95814**

3. This Court has not ruled on Plaintiff's request to proceed *in forma pauperis* (ECF No. 2) or motion to appoint counsel (ECF No. 3). These motions remain pending.

IT IS SO ORDERED.

Dated: **April 10, 2024**

/s/ Eric P. Gray
UNITED STATES MAGISTRATE JUDGE